

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 306
HOUSE BILL 130

AN ACT TO AMEND CHAPTERS 15A, 153A and 14 OF THE GENERAL STATUTES TO REQUIRE LAW ENFORCEMENT OFFICERS AND JAILERS TO EXAMINE SEMICONSCIOUS AND UNCONSCIOUS PRISONERS TO DETERMINE IF THAT CONDITION MIGHT BE CAUSED BY DIABETES OR ANOTHER DISABLING ILLNESS, AND TO PROVIDE MEDICAL ASSISTANCE IF THE PRESENCE OF SUCH AN ILLNESS IS INDICATED.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes, as enacted by Chapter 1286 of the 1973 Session Laws, is amended by adding a new section G.S. 15A-503 as follows:

"§ 15A-503. Police assisting persons who are arrested while unconscious or semiconscious. — (a) Whenever a law enforcement officer arrests a person who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, a cardiac condition, or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.

(b) Failure of a law enforcement officer to make a reasonable effort to discover an emergency alert symbol, as required by this section, does not by itself establish negligence of the officer, but may be considered along with other evidence to determine if the officer took reasonable precautions to ascertain the emergency medical needs of the person in his custody.

(c) A person who is provided medical care under the provisions of this section is liable for the reasonable costs of that care unless he is indigent.

(d) Willful false representation of the existence of diabetes, epilepsy, a cardiac condition, or other disabling condition covered by this section, is punishable as provided in G.S. 14-223.1."

Sec. 2. Chapter 153 A of the General Statutes is amended by adding a new section G.S. 153A-225.1 as follows:

"§ 153A-225.1. Custodial personnel assisting prisoners who are unconscious or semiconscious. — (a) Whenever a custodial officer of a local confinement facility takes custody of a prisoner who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition and unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the prisoner is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the prisoner suffers from diabetes, epilepsy, a cardiac condition or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the prisoner suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.

(b) Failure of a custodial officer of a local confinement facility to make a reasonable effort to discover an emergency alert symbol as required by this section does not by itself establish negligence of the officer but may be considered along with other evidence to determine if the officer took reasonable precautions to ascertain the emergency medical needs of the prisoner in his custody.

(c) A prisoner who is provided medical care under the provisions of this section is liable for the reasonable costs of that care unless he is indigent.

(d) Willful false representation of the existence of diabetes, epilepsy, a cardiac condition, or other disabling condition covered by this section, is punishable as provided in G.S. 14-223.1."

Sec. 3. This act shall become effective October 1, 1975.

In the General Assembly read three times and ratified, this the 15th day of May, 1975.